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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,421	02/21/2001	Motohiro Asano	030682-108	5853

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BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, VA 22313-1404

EXAMINER

BAKER, CHARLOTTE M

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/788,421

Applicant(s)

ASANO, MOTOHIRO

Examiner

Charlotte M Baker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 02/21/01 is being considered by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4-8 , 10-14 and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Collette (5,081,529).

Regarding Claim 1: Collette discloses control of a printer (column 3, lines 10-14), which reads on “a controller for controlling a printer”; printing test patterns following a change (modulation) of color variables and three image calibration tables (column 8, lines 46-49 and column 8, lines 28-29), which reads on “print a plurality of first modulated images obtained by modulating colors of a reference image having a plurality of colors”; changing (modulating) one color in an image (column 7, lines 12-21), and printing the changed images (column 7, lines 39-44), which reads on “plurality of second modulated images obtained by modulating a color of a second reference image having a single color”; tone and color operator controls displayed on a monitor

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and viewing the input image on the monitor (column 4, lines 6-28), which reads on “an input device for accepting a selection of a selected first modulated image among said plurality of first modulated images in accordance with said first reference image which is displayed and a selection of a selected second modulated image among said plurality of second modulated images in accordance with said second reference image which is displayed”; once the variables are changed by the operator (first and second modulated), the corrections are sent to the printer (column 4, lines 15-24), which reads on “correcting means for correcting information for transforming image data to print data on the basis of said selected first modulated image and said selected second modulated image, said information indicating a relation between said image data and said print data”.

Regarding Claim 2: Collette satisfies all elements of Claim 1. Collette further discloses viewing a tone scale and color scale reference (column 4, lines 2-14), which reads on “a display for displaying said reference image and said second reference image”.

Regarding Claims 4 and 5: Collette satisfies all elements of Claim 1. Collette further discloses hue, saturation, brightness (lightness), and contrast adjustments related to changing a reference image (column 4, lines 12-21) and several iterations of adjustments (first and second modulated image) (column 8, lines 13-18), which reads on “said plurality of first modulated images are obtained by modulating at least one of characteristics selected from the group comprising hue, saturation, lightness and contrast of said first reference image in a plurality of ways”.

Regarding Claim 6: Collette satisfies all elements of Claim 1. Collette further discloses a process of using tone reproduction and color reproduction to process the images to the printer (column 5, lines 12-16), and printing after each change is made (column 8, lines 21-25), which

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reads on “said controller prints said plurality of first modulated images and said plurality of second modulated images by using a plurality pieces of information for transforming image data to print data”; correcting tone and color of a print to match it to the monitor display (column 8, lines 4-6 and column 9, lines 1-22), which reads on “said correcting means corrects said information on the basis of two pieces of information corresponding to said selected first modulated image and said selected modulated image”.

Regarding Claim 7: With respect to claim 7, arguments analogous to those presented for claim 1 are applicable.

Regarding Claim 8: Collette satisfies all elements of Claim 7. With respect to claim 8, arguments analogous to those presented for claim 2 are applicable.

Regarding Claim 10: Collette satisfies all elements of Claim 7. With respect to claim 10, arguments analogous to those presented for claim 4 are applicable.

Regarding Claim 11: Collette satisfies all elements of Claim 7. With respect to claim 11, arguments analogous to those presented for claim 5 are applicable.

Regarding Claim 12: Collette satisfies all elements of Claim 7. With respect to claim 12, arguments analogous to those presented for claim 6 are applicable.

Regarding Claim 13: Collette discloses control of a printer (column 3, lines 10-14), which reads on “controlling a printer to print”; printing test patterns following a change (modulation) of color variables and three image calibration tables (column 8, lines 46-49 and column 8, lines 28-29), which reads on “print a plurality of first modulated images obtained by modulating colors of a first reference image having a plurality of colors”; once the variables are changed, the corrections are sent to the printer (column 4, lines 15-24), which reads on “first information for

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transforming image data to print data, said first information indicating a relation between said image data and said print data”; tone and color operator controls displayed on a monitor and viewing the input image on the monitor (column 4, lines 6-28), which reads on “accepting a selection of a selected first modulated image among said plurality of first modulated images in accordance with said first reference image which is displayed”; once the variables are changed by the operator, the corrections are sent to the printer and a determination is made as to whether further changes are necessary (column 3, lines 65-68 and column 4, lines 1-2), which reads on “correcting said first information on the basis of said selected first modulated image to obtain second information”; changing (modulating) one color in an image (column 7, lines 12-21), and printing the changed images (column 7, lines 39-44), which reads on “controlling said printer to print a plurality of second modulated images obtained by modulating a color of a second reference image having a single color on the basis of said second information”; color operator controls displayed on a monitor and viewing the input image on the monitor (column 4, lines 6-18), which reads on “accepting a selection of a selected second modulated image among said plurality of second modulated images in accordance with said second reference image which is displayed”; upon completion of tone changes, color match can begin (column 8, lines 46-47), which reads on “correcting said second information on the basis of said selected second modulated image to obtain third information”.

Regarding Claim 14: Collette satisfies all elements of Claim 13. Collette further discloses viewing a tone scale and color scale reference (column 4, lines 2-14), which reads on “a display for displaying said reference image and said second reference image”.

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Regarding Claim 16: Collette satisfies all elements of Claim 13. With respect to claim 16, arguments analogous to those presented for claims 4 and 5 are applicable.

Regarding Claim 17: Collette satisfies all elements of Claim 13. With respect to claim 17, arguments analogous to those presented for claims 4 and 5 are applicable.

Regarding Claim 18: Collette satisfies all elements of Claim 13. Collette further discloses that once a change is made by the operator, the corrections are sent to the printer and a determination is made as to whether further changes are necessary (column 3, lines 65-68 and column 4, lines 1-2), which reads on “controlling said printer to print said first reference image on the basis of said second information before said step d)”.

Regarding Claim 19: Collette satisfies all elements of Claim 13. Collette further discloses a process of using color reproduction to process the images to the printer (column 5, lines 12-16), and printing after each change is made (column 6, lines 42-63), which reads on “said plurality of first modulated images are printed by using a plurality pieces of information for transforming image data to print data in said steps a)””; correlation between the operator interaction and image and print information (column 3, lines 65-68 and column 4, lines 1-6), which reads on “one of said plurality pieces of information is selected as said second information in said step c)”.

Regarding Claim 20: Collette satisfies all elements of Claim 13. Collette further discloses a process of using tone reproduction to process the images to the printer (column 5, lines 12-16), and printing after each change is made (column 8, lines 4-25), which reads on “said plurality of second modulated images are printed by using a plurality pieces of information for transforming image data to print data in said steps d)””; changes made that lead to the next information

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gathered (column 8, lines 46-47), which reads on “one of said plurality pieces of information is selected as said third information in said step f”).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 9, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collette in view of Yamakawa et al. (5,809,366).

Regarding Claim 3: Collette satisfies all elements of Claim 1. Collette further discloses a method of controlling the printing (column 3, lines 10-14) of a first reference image (column 4, lines 6-14), a plurality of first modulated images (column 8, lines 47-49), a second reference image (column 4, lines 6-14), and a plurality of second modulated images (column 7, 41-44). Collette fails to specifically address printing the first reference image together with a plurality of first modulated images, or second reference image together with plurality of second modulated images. Yamakawa et al. disclose printing a standard image with four (plurality) changed images (column 4, lines 49-67 and column 5, lines 5-10). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Collette to include the suggestion of printing a reference image together with changed images as taught by Yamakawa et al. to allow the operator to compare images processed by the printer to ensure the best image is selected.

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Regarding Claim 9: Collette satisfies all elements of Claim 7. With respect to claim 9, arguments analogous to those presented for claim 3 are applicable.

Regarding Claim 15: Collette satisfies all elements of Claim 13. With respect to claim 15, arguments analogous to those presented for claim 3 are applicable.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlotte M Baker whose telephone number is (703) 306-3456. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams can be reached on (703) 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KA Williams

**KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER**

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